

BOARD MEETING MINUTES  
Indiana Regulated Amusement Device  
Safety Board  
Indiana Government Center South  
Media Center Conference Room

November 8, 2007

1. The meeting of the Indiana Regulated Amusement Device Safety Board was called to order at 1:15 p.m. November 8, 2007, and the roll was called. A quorum was found to be present.

(a) The following Board members were present:

Ted Bumbleburg, Lafayette Parks Department  
Tim Bohlander, Poor Jack Amusements  
David Dahl, Midwestern Engineers  
Lee Geiling, Leisure Sports Specialists  
Terrance Hoffman, American Amusement Rides LLC  
Steve Jordan, Indiana Fair Association  
Tom Spackman, Indiana Beach  
Cecilia Ernstes-Boxell, Elevator/Amusement Safety

The following Board members were not present:

Max Fitzpatrick, Indiana Fair Association  
Will Koch, Holiday World  
Danny Huston, Mid America Shows

(b) The following departmental staff and guests were present:

Mara Snyder, Counsel, Department of Homeland Security

2. Minutes

A motion to approve the minutes of the September 21, 2007 as submitted was made and seconded. It was voted upon and carried. The minutes were approved as submitted.

3. Old Business

(a) Questions concerning the proposed rule changes were discussed. These included a suggestion that in 685 IAC 1-3-32, owner/operator defined, that the definition marked 31 in 685 IAC 1-3-27 needed to be changed to 26. In 685 IAC 1-4-5, operating permit form;

application, a question was raised as to the ability of owners to comply with the two day notice requirement. It was noted that often changes are made upon arrival at the scheduled location over which they have no control. The request for an email address in 1-4-5(8) won't work for most as a way to contact companies quickly since most don't have access while on the road. Text messaging was suggested, and Mara Snyder will work on language for the next meeting. Also, proof of message sent and received was discussed. A concern was raised that 685 IAC 1-4-7 would require all rides to have no violations at the time of the inspection and that the first sentence in subsection (e) should go into subsection (a). Also 1-4-7(a) should be linked to 1-4-9 for non-compliance issues, keeping the "all applicable laws" language. The language in 685 IAC 1-4-7, 9 and 10 will affect insurance liability.

(b) The inspection practices currently being followed by department staff resulting in the increase in fees and rescheduled inspections was brought up for discussion. It was noted an appeal is currently being heard and discussion of the situation would not be appropriate at this time since the Board would later be involved in the process. A request was made to include language in 685 IAC 1-4-9 defining how an applicant may submit the paperwork required.

(c) Mara Snyder was asked to change the language in 685 IAC 1-5-5 so that the Documentation of testing results required in Section 8 of ASTM F 846-92(2003) is kept on site for the inspectors and not filed with the departmental office. A language change was also requested for 685 IAC 1-5-6, "Major modifications of amusement devices", subsection (b)(1). The term "person" should also be defined to include representatives of a company in this section.

(d) The members of the Board were asked to look at the existing rule and make notes about the sections which need to be amended, if there are references to documents they do not wish to adopt since omitting the references before adoption is less involved than removing them after adoption. Members were requested to send their notes to Mara Snyder by email at least 10 days before the next scheduled meeting, January 10, 2007.

(e) A discussion of "stay of enforcement" was held. It was noted that it could be expensive to have a piece out of service for the thirty days it may take for the appeal is heard by the Administrative Law Judge. The Board requested that the department and Ms. Snyder look into the possibility of creating a class of seal-out that would qualify for an emergency order, thereby allowing things to move ahead more rapidly.

#### 4. New Business:

(a) Cecilia Ernestes-Boxell, Elevator and Amusement Safety Division, asked the Board to consider the creation of a fee allowing the staff to charge to expedite an owner's application. Certain owners consistently wait until the last hour to file their applications, then go to their legislators, etc., claiming they aren't being processed quickly enough. This results in pulling staff from inspections scheduled for those owners who filed properly. This fee would be enforced at a suggested date of two weeks before the deadline, and, hopefully, discourage these owners from continuing this practice. The

request for the fee will be discussed with James Schmidt, Deputy Attorney General, to see how such a fee could be created by rule.

(b) A request to schedule the meeting dates for 2008 was made. The quarterly meeting schedule was set at January 10, 2008, April 3, 2008, September 11, 2008 and November 6, 2008.

5. A call for any more business was made. There being none, the meeting was adjourned at 2:45 pm.

**APPROVED**

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Tim Bohlander, Chairman